

**KENTUCKY BOARD OF CHIROPRACTIC EXAMINERS
SPECIAL MEETING MINUTES
November 13, 2020**

A special called meeting of the Kentucky Board Chiropractic Examiners was held at the Department of Public Licensing located at 500 Mero Street, Frankfort, KY 40601 and via Zoom on November 13, 2020.

MEMBERS PRESENT

Dr. Jeffery Smith
Dr. Eric Davis
Dr. James England
Dr. Shannon Johnson
Dr. Chad Henderson

DEPARTMENT OF PROFESSIONAL LICENSING

Dr. Michael Newman, Commissioner
Tasha Stewart, Board Administrator

GUESTS

Dr. Nick Payne, KAC

OTHERS

David Trimble, Legal Counsel

CALL TO ORDER

Dr. Smith called the meeting to order at 12:02 p.m.

MINUTES

A motion was made by Dr. Johnson to approve the minutes from the October 7, 2020 board meeting. Motion seconded by Dr. Smith, carried.

FINANCIAL STATEMENT

The Board reviewed the September and October 2020 financial statements. No action taken.

DPL UPDATE

Dr. Newman addressed the board's 2021 renewal, which will be opening soon. Currently, 47 licensees have not renewed in 2020 under the state of emergency. Those licensees are still responsible for the 2020 renewal and may have to complete that in conjunction with their 2021 renewal. DPL continues to monitor the ongoing state of emergency.

LEGAL COUNSEL

Mr. Trimble provided an overview of the meeting held with the Kentucky Board of Veterinary Examiners. Overall, both boards agreed that joint statute changes might be the best way moving forward. Mr. Trimble will make revisions to KBVE's drafted changes.

Mr. Trimble updated the board on its proposed regulation changes. One set of changes will go to a hearing on December 3. The second set is scheduled for a review on November 17 and will then move to a hearing, likely in January.

OLD BUISNESS

The board reviewed a list of licensees who have not submitted the requested SOS business filing. Dr. England made a motion to send a third letter which includes language about the possibility of board action if a response is not received. Motion seconded by Dr. Johnson, carried.

The board reviewed a list of licensees who failed to update their contact information as requested. Dr. Johnson made a motion to draft an agreed order with a \$500 fine. If the board does not receive a

response to the agreed order in 30 days, increased action will be taken. Motion seconded by Dr. Davis, carried.

Ms. Stewart stated the search for a board investigator is underway. Bidding will open November 25 to December 7. From there, the proposals will be scored and then a recommendation will be made to the board at their January meeting.

Dr. Johnson made a motion to transition the board's jurisprudence class to an on-demand format on eServices. Motion seconded by Dr. Henderson, carried.

Dr. Davis made a motion that licensees must answer a question correctly on the jurisprudence class before moving on with the course. Motion seconded by Dr. Johnson, carried.

Dr. England made a motion to accept the expungement and fee waiver policies as presented with corrections. Motion seconded by Dr. Johnson, carried.

Dr. Johnson made a motion to accept the renewal form continuing education language with corrections. Motion seconded by Dr. Davis, carried.

Dr. Henderson made a motion to add language to the renewal form exempting those who have reported previous infractions to the board from reporting them again. Motion seconded by Dr. Johnson, carried.

The board discussed its interpretation of 201 KAR 21:041. No action taken.

NEW BUSINESS

Dr. Davis made a motion to nominate Dr. Smith as acting board president. Motion seconded by Dr. Johnson, carried.

Dr. Davis made a motion to nominate Dr. England as acting board vice president. Motion seconded by Dr. Johnson, carried.

Dr. England made a motion to nominate Dr. Davis as acting board secretary. Motion seconded by Dr. Johnson, carried.

Dr. Henderson made a motion to set the 2021 meeting schedule as follows: January 8, March 12, May 7, July 9, September 10, and November 12. All meetings will start at noon EST and may take place via teleconferencing. Motion seconded by Dr. England, carried.

A letter to the board was reviewed. No action taken.

Dr. Henderson reported on the FCLB district meeting that he attended in October. Items discussed included COVID-19, chiropractic office shutdowns, and the future of meetings on teleconferencing platforms.

Dr. Johnson made a motion to send a plaque of appreciation to Dr. Cooper-Henson. Motion seconded by Dr. England, carried.

The board reviewed two questions regarding advertising approval. The board reiterated that it does not give approval for advertising. Instead, it is the licensee's responsibility to know the law and comply with it.

The board reviewed an insurance question and referred it to the state trade organizations.

Dr. Henderson made a motion to accept the 2021 renewal notice letters as presented with corrections. Motion seconded by Dr. Johnson, carried.

Dr. Davis started a conversation about clinical assistants and the licensing trends across the US. Dr. Payne will email more information about this discussion to the board.

APPLICATIONS COMMITTEE

Dr. Henderson reported the continuing education applications are in a lull but the licensure applications are increasing.

Ms. Stewart reported 1,098 inactive and active licensees. As of the report run time, 33 chiropractic and 16 peer review licensees have not completed their 2020 renewal.

COMPLAINTS COMMITTEE

19-003 - ongoing
2019KBCE00005 – ongoing
2019KBCE00012 – ongoing, agreed order proposed
2020KBCE00001 – ongoing
2020KBCE00002 – ongoing, agreed order proposed
2020KBCE00003 – ongoing, agreed order proposed
2020KBCE00005 – ongoing
2020KBCE00007 – ongoing
2020KBCE00008 – ongoing, agreed order proposed
2020KBCE00009 – ongoing
2020KBCE00010 – ongoing
2020KBCE00011 – ongoing
2020KBCE00012 – ongoing
2020KBCE00013 – ongoing
Ownership Practice Inquiry – ongoing
NBCE Reports - ongoing

A motion and second was made by the complaints committee to accept the complaint recommendations as presented. Motion carried.

TRAVEL AND PER DIEM

A motion was made by Dr. England to approve the following per diem:


- Drs. Johnson, Davis, England, Henderson, and Smith – November 13 meeting
- Dr. Davis – September 17 (3 hours – meeting preparation and applications review), October 9 (3 hours – applications and complaints review), and November 9 (3 hours – complaints review).
- Dr. England – October 1 (3 hours – complaints review and KBVE meeting) and November 9 (3 hours – complaints review and meeting preparation).

- Dr. Henderson – June 11 (3 hours – applications review), July 23 (3 hours – applications review), August 23 (3 hours – applications review), and October 15 (3 hours – applications review).
- Dr. Johnson – November 9 (3 hours – applications review).

Motion seconded by Dr. Johnson, carried.

ADJOURN

A motion was made by Dr. Johnson to adjourn the meeting at 2:27 p.m. Motion seconded by Dr. Davis, carried.



Dr. Jeffery Smith, Chair